IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Ni et al.	Docket No.: PF293D2
Application No.: 10/692,730	Group Art Unit: 1646
Filed: October 27, 2003	Examiner: D. Jiang
For: T1 Receptor-like Ligand II	

REPLY WITH AMENDMENTS UNDER 37 C.F.R. § 1.115 AND PROVISIONAL ELECTION WITH TRAVERSE UNDER 37 C.F.R. § 1.143

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed July 7, 2006, please enter the following amendments and consider the following remarks and provisional election, *with traverse*. Claims 1-90 are pending.

Election

Pursuant to the Office Action mailed July 7, 2006, the Examiner has separated the claimed invention into two groups (i.e., Groups I and II). *See* Office Action at page 2. While acknowledging that "Invention I is related to Invention II as product and process of use," the Examiner nevertheless contends that the inventions are distinct and has required an election under 35 U.S.C. § 121. *Id.*

To comply with the pending election requirement, Applicants provisionally elect, with traverse, Group I, drawn to T1 Receptor-like ligand II antibodies. Applicants reserve the right to file one or more continuing applications directed to non-elected inventions should the restriction requirement be made final.

Applicants respectfully traverse the present restriction requirement. Applicants submit that Groups I and II are related as product and process of using. Although the product may be used in processes that are not encompassed by the claims of Group II, even where more than a single patentably distinct invention appears in an application, restriction remains improper unless it can be shown that the search and examination of

each group would entail a "serious burden" (*see* M.P.E.P. § 803). In the present situation, no such showing has been made.

Applicants submit that a search of the antibody claims of Group I would clearly provide useful information for the claims of Group II, drawn to a method of detecting the T1 Receptor-like ligand II protein. The claimed methods of Group II use the antibody encompassed by the claims of Group I. In particular, the search of Group I would significantly overlap, if not be co-extensive with, the search of Group II. Thus, the search and examination of Groups I and II together would not entail a serious burden. In view of the above arguments and M.P.E.P. § 803, Applicants request that the present restriction requirement be withdrawn.

Nevertheless, as the Examiner has recognized on page 3 of the Office Action, "withdrawn process claims that depend from or otherwise include all the limitations" of an allowed product claim "will be rejoined in accordance with the provisions of MPEP § 821.04." Thus, even if the restriction requirement is maintained, Applicants request rejoinder of the claims of Group II upon the allowance of the claims of Group I.

Conclusion

Applicants respectfully request that the above-made amendments and remarks be entered and made of record in the file history of the instant application. The Examiner is invited to call the undersigned at the phone number provided below if any further action by Applicants would expedite the prosecution of this application.

If there are any additional fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 08-3425. If a fee is required for an extension of time under 37 C.F.R. § 1.136, such an extension is requested and the appropriate fee should also be charged to our Deposit Account.

Dated: August 7, 2006

Respectfully submitted,

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